

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

SUNSHINE H. HAUANIO,

Plaintiff,

v.

THE MICHAELS ORGANIZATION,

Defendant.

CIV. NO. 23-00354 JMS-RT

ORDER MODIFYING
MAGISTRATE JUDGE'S FINDINGS
AND RECOMMENDATION, ECF
NO. 9, AND GRANTING
APPLICATION TO PROCEED IN
DISTRICT COURT WITHOUT
PREPAYING FEES OR COSTS, ECF
NO. 2

**ORDER MODIFYING MAGISTRATE JUDGE'S FINDINGS AND
RECOMMENDATION, ECF NO. 9, AND GRANTING APPLICATION TO
PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR
COSTS, ECF NO. 2**

The Findings and Recommendation having been filed and served on all parties on September 25, 2023, and no objections having been filed by any party,

IT IS HEREBY ORDERED AND ADJUDGED that, pursuant to 28 U.S.C. § 636(b)(1) and § 636(b)(1)(C), and Local Rule 74.1, the Findings and Recommendation are MODIFIED and the Application to Proceed in District Court Without Prepaying Fees or Costs, ECF No. 2, is GRANTED. The court ADOPTS in all other respects the Findings and Recommendation, ECF No. 9, as the opinion and order of this court.

As provided in the Findings and Recommendation, pro se Plaintiff Sunshine H. Hauanio (“Plaintiff”) must file an amended complaint by **November 13, 2023**. Plaintiff may not expand her claims beyond those already alleged herein or add new claims, without explaining how those new claims relate to the claims alleged in the Complaint. Claims that do not properly relate to those in the Complaint are subject to dismissal.

Plaintiff must comply with the Federal Rules of Civil Procedure and the Local Rules for the District of Hawaii. Local Rule 10.4 requires that an amended complaint be complete in itself, without reference to any prior pleading. An amended complaint must be short and plain, comply with Rule 8 of the Federal Rules of Civil Procedure, and be submitted on the Court’s prisoner civil rights form. *See LR99.2(a)*. An amended complaint will supersede the preceding complaint. *See Ramirez v. County of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015). Defendants not renamed and claims not realleged in an amended complaint may be deemed voluntarily dismissed. *See Lacey v. Maricopa County*, 693 F.3d 896, 928 (9th Cir. 2012). Failure to timely file an amended complaint by **November 13, 2023**, may result in dismissal of this suit.

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IT IS SO ORDERED.

DATED: Honolulu, Hawaii, October 12, 2023.



/s/ J. Michael Seabright

J. Michael Seabright
United States District Judge

Hauanio v. The Michaels Org., Civ. No. 23-00354 JMS-RT, Order Modifying Magistrate Judge's Findings and Recommendation, ECF No. 9, and Granting Application to Proceed In District Court Without Prepaying Fees or Costs, ECF No. 2